

Application Serial No. 10/720,445
Amendment filed April 13, 2009 (Monday)
Reply to final Office Action mailed November 12, 2008

REMARKS

Claims 1-30 are pending in this application. Claims 1-17 are under consideration. Claims 18-30 are withdrawn. Claims 1-13, 15, and 16 are amended herein. Support for the amendment to the claims may be found in the claims as filed originally and in the specification at page 45, lines 7-18, page 49, lines 15-27, continuing at page 50, lines 1-4, page 51, lines 8-15, and page 52, lines 8-14, and in Figs. 5, 6, and 7. Reconsideration is requested based on the foregoing amendment and the following remarks.

Interview Summary

The Applicants submit the following summary of the telephone interview that took place March 4, 2009 between the undersigned representative of the Applicants and the Examiner.

Telephone Conference:

The Applicants thank the Examiner for the many courtesies extended to the undersigned representative of the Applicants during the telephone interview that took place March 4, 2009.

Among the issues discussed during that interview were the patentability of the claims over the cited references.

Claim Rejections - 35 U.S.C. § 112:

Claim 1 was rejected under 35 U.S.C. § 112, second paragraph, as indefinite. Claim 1 was amended to make it more definite. In particular, "first-named," "second-named," and "third-named" have been replaced with "first," "second," and "third," respectively. Each of the first instances of "first," "second," and "third" in claim 1, moreover, are now preceded by the indefinite article "a." Claim 1 is believed to be definite within the meaning of 35 U.S.C. § 112, second paragraph. Withdrawal of the rejection is earnestly solicited.

Claim Rejections - 35 U.S.C. § 103:

Claims 1-4, 13, 15, and 17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,956,716 to Kenner *et al.* (hereinafter "Kenner") in view of U.S. Patent Publication No. 2002/0118608 to Oishi (hereinafter "Oishi"). The rejection is traversed to the extent it would apply to the claims as amended. Reconsideration is earnestly solicited.

The final clause of claim 1 recites:

If the third digital broadcast distribution signal is discriminated to be transmitted from a different one of the distribution centers from the local distribution center, replacing the NIT information associated with the third digital broadcast distribution signal including the service ID of the program designated by the subscriber in the first channel distribution plan with the NIT information associated with the third digital broadcast distribution signal including the service ID of the program designated by the subscriber in a second channel distribution plan which is one of the channel distribution plans of the different distribution center of the distribution centers from the local distribution center to receive the third digital broadcast distribution signal.

Neither Kenner nor Oishi teach, disclose, or suggest "if the third digital broadcast distribution signal is discriminated to be transmitted from a different one of the distribution centers from the local distribution center, replacing the NIT information associated with the third digital broadcast distribution signal including the service ID of the program designated by the subscriber in the first channel distribution plan with the NIT information associated with the third digital broadcast distribution signal including the service ID of the program designated by the subscriber in a second channel distribution plan which is one of the channel distribution plans of the different distribution center of the distribution centers from the local distribution center to receive the third digital broadcast distribution signal," as recited in claim 1. Kenner, rather, is distributing video data over a computer network, and it is thus not technically appropriate for Kenner to be combined with Oishi, which directs the distribution of CATV digital broadcasts.

Kenner, moreover, is directed to a video clip storage and retrieval system. In particular, as described in the Abstract:

A video clip storage and retrieval system whereby video clips, stored locally and/or at a more remote location, can be requested and retrieved by a user at the user's multimedia terminal.

Since Kenner is directed to a video clip storage and retrieval system, the signals of Kenner would have no NIT information in the first place, let alone "if the third digital broadcast distribution signal is discriminated to be transmitted from a different one of the distribution centers from the local distribution center, replacing the NIT information associated with the third digital broadcast distribution signal including the service ID of the program designated by the subscriber in the first channel distribution plan with the NIT information associated with the third digital broadcast distribution signal including the service ID of the program designated by the subscriber in a second channel distribution plan which is one of the channel distribution plans of

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the different distribution center of the distribution centers from the local distribution center to receive the third digital broadcast distribution signal," as recited in claim 1.

Kenner, moreover, uses the Regional Identifier to identify remote IMs which may have the requested video information. In particular, as described at column 4, line 65, 66, and 67, continuing at column 5, lines 1-7:

The PIM uses the Regional Identifier to identify remote IMs which may have the requested video information. The PIM also checks to see whether the video clips stored at the local SRU are current. The PIM then queries its own video clip listing and the listing for the remote IMs to locate the requested information. A list or summary of all available data responsive to the request is then transmitted to the user via the local SRU. The user may then update or modify the request to create an abbreviated list of video clips and/or other data the user wishes to view.

Since Kenner uses the Regional Identifier to identify remote IMs which may have the requested video information, Kenner would have no need for "if the third digital broadcast distribution signal is discriminated to be transmitted from a different one of the distribution centers from the local distribution center, replacing the NIT information associated with the third digital broadcast distribution signal including the service ID of the program designated by the subscriber in the first channel distribution plan with the NIT information associated with the third digital broadcast distribution signal including the service ID of the program designated by the subscriber in a second channel distribution plan which is one of the channel distribution plans of the different distribution center of the distribution centers from the local distribution center to receive the third digital broadcast distribution signal," as recited in claim 1.

Kenner, moreover, retrieves the requested video clips and displays them at the user's terminal by creating a DS1 for each user that requests video clips that are not stored at the local SRU, and informing the DS1 where the requested video clips are stored. In particular, as described at column 5, lines 8-16:

The abbreviated user query is then passed to the PIM. The PIM, having previously located each requested video clip on other remote IMs, retrieves the requested video clips and displays them at the user's terminal by creating a DS1 for each user that requests video clips that are not stored at the local SRU, and informing the DS1 where the requested video clips are stored. The DS1 collects the requested video clips from the appropriate extended and remote SRUs and transmits this information to the local SRUs.

Since Kenner retrieves the requested video clips and displays them at the user's terminal by creating a DS1 for each user that requests video clips that are not stored at the local SRU,

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and informing the DSI where the requested video clips are stored, Kenner would have no need for "if the third digital broadcast distribution signal is discriminated to be transmitted from a different one of the distribution centers from the local distribution center, replacing the NIT information associated with the third digital broadcast distribution signal including the service ID of the program designated by the subscriber in the first channel distribution plan with the NIT information associated with the third digital broadcast distribution signal including the service ID of the program designated by the subscriber in a second channel distribution plan which is one of the channel distribution plans of the different distribution center of the distribution centers from the local distribution center to receive the third digital broadcast distribution signal," as recited in claim 1.

Oishi describes no "if the third digital broadcast distribution signal is discriminated to be transmitted from a different one of the distribution centers from the local distribution center, replacing the NIT information associated with the third digital broadcast distribution signal including the service ID of the program designated by the subscriber in the first channel distribution plan with the NIT information associated with the third digital broadcast distribution signal including the service ID of the program designated by the subscriber in a second channel distribution plan which is one of the channel distribution plans of the different distribution center of the distribution centers from the local distribution center to receive the third digital broadcast distribution signal" either, and thus cannot make up for the deficiencies of Kenner with respect to claim 1.

In Oishi, for example, NIT rewriting portion 42 rewrites the NIT of the PSI stored in a prescribed transport packet supplied from the front end 41, as described at paragraphs [0092] through [0100] of Oishi. Specifically, NIT rewriting portion 42 of Oishi rewrites a satellite delivery system descriptor (FIG. 7) described in the NIT to a cable delivery system descriptor.

However, the NIT rewriting portion 42 of Oishi is incorporated in the CATV station 23, as shown in Fig. 11 and others, so that the NIT is rewritten in the CATV station 23 and then the distribution broadcast signal is distributed.

In other words, the technique of Oishi bears the problem described at page 12, lines 5-13 of the subject application, in the section entitled Background of the Invention:

Each center station and each local station may change NIT information of a broadcast distribution signal received from a center station other than the upstream center station so that each STB can receive a program from the

broadcast distribution signal using the channel map table retained in the STB. In this case, each center and each station require an NIT changing unit and a 64QAM modulator that are expensive and such facility costs may be excessive for CATV agencies.

Therefore, Oishi corresponds to the Background of the present invention.

The CATV station 23 of Oishi, moreover, composes and generates redistribution transport streams so that the transport streams can be redistributed through the cable television network 24. In particular, as described at paragraph [0083]:

Returning to FIG. 2, the CATV station 23 receives digital satellite broadcast signals which are transmitted (distributed) from the satellite 22 and received through the antenna 23A (the digital satellite broadcast signals are originally transmitted from the central station 21 or another central station (not shown) managed by another satellite broadcasting business enterprise), and also composes and generates redistribution transport streams so that the transport streams can be redistributed through the cable television network 24.

Since the CATV station 23 of Oishi composes and generates redistribution transport streams so that the transport streams can be redistributed through the cable television network 24, Oishi describes no "if the third digital broadcast distribution signal is discriminated to be transmitted from a different one of the distribution centers from the local distribution center, replacing the NIT information associated with the third digital broadcast distribution signal including the service ID of the program designated by the subscriber in the first channel distribution plan with the NIT information associated with the third digital broadcast distribution signal including the service ID of the program designated by the subscriber in a second channel distribution plan which is one of the channel distribution plans of the different distribution center of the distribution centers from the local distribution center to receive the third digital broadcast distribution signal," as recited in claim 1.

The front end 41 of Oishi, moreover, outputs transport streams to an NIT rewriting portion 42. In particular, as described at paragraph [0092]:

A front end 41 tunes a desired channel from digital satellite broadcast signals received through the antenna 23A under the control of a controller 49, and subjects the digital satellite broadcast signal of the desired channel to QPSK demodulation and error correction. The front end 41 outputs transport streams thus achieved to an NIT rewriting portion 42.

Since the front end 41 of Oishi outputs transport streams to an NIT rewriting portion 42, Oishi describes no "if the third digital broadcast distribution signal is discriminated to be

transmitted from a different one of the distribution centers from the local distribution center, replacing the NIT information associated with the third digital broadcast distribution signal including the service ID of the program designated by the subscriber in the first channel distribution plan with the NIT information associated with the third digital broadcast distribution signal including the service ID of the program designated by the subscriber in a second channel distribution plan which is one of the channel distribution plans of the different distribution center of the distribution centers from the local distribution center to receive the third digital broadcast distribution signal," as recited in claim 1.

The NIT rewriting portion 42 of Oishi, moreover, rewrites the NIT of the PSI stored in a prescribed transport packet supplied from the front end 41. In particular, as described at paragraph [0093]:

The NIT rewriting portion 42 rewrites the NIT of the PSI stored in a prescribed transport packet supplied from the front end 41.

Since the NIT rewriting portion 42 of Oishi rewrites the NIT of the PSI stored in a prescribed transport packet supplied from the front end 41, Oishi describes no "if the third digital broadcast distribution signal is discriminated to be transmitted from a different one of the distribution centers from the local distribution center, replacing the NIT information associated with the third digital broadcast distribution signal including the service ID of the program designated by the subscriber in the first channel distribution plan with the NIT information associated with the third digital broadcast distribution signal including the service ID of the program designated by the subscriber in a second channel distribution plan which is one of the channel distribution plans of the different distribution center of the distribution centers from the local distribution center to receive the third digital broadcast distribution signal," as recited in claim 1.

The NIT rewriting portion 42 of Oishi, moreover, outputs to a TSMF generator 43 a transport stream for which the NIT is rewritten. In particular, as described at paragraph [0099]:

Returning to FIG. 11, the NIT rewriting portion 42 outputs to a TSMF generator 43 a transport stream for which the NIT is rewritten.

Since the NIT rewriting portion 42 of Oishi outputs to a TSMF generator 43 a transport stream for which the NIT is rewritten, Oishi describes no "if the third digital broadcast distribution signal is discriminated to be transmitted from a different one of the distribution centers from the

local distribution center, replacing the NIT information associated with the third digital broadcast distribution signal including the service ID of the program designated by the subscriber in the first channel distribution plan with the NIT information associated with the third digital broadcast distribution signal including the service ID of the program designated by the subscriber in a second channel distribution plan which is one of the channel distribution plans of the different distribution center of the distribution centers from the local distribution center to receive the third digital broadcast distribution signal," as recited in claim 1.

The computer 101 of Oishi, finally, functions as the CATV station 23 and the receiver 31 as described above. In particular, as described at paragraph [0191]:

FIG. 21 is a block diagram showing the construction of an embodiment of a computer 101 functioning as the CATV station 23 and the receiver 31 as described above.

Since the computer 101 of Oishi functions as the CATV station 23 and the receiver 31 as described above, Oishi describes no "if the third digital broadcast distribution signal is discriminated to be transmitted from a different one of the distribution centers from the local distribution center, replacing the NIT information associated with the third digital broadcast distribution signal including the service ID of the program designated by the subscriber in the first channel distribution plan with the NIT information associated with the third digital broadcast distribution signal including the service ID of the program designated by the subscriber in a second channel distribution plan which is one of the channel distribution plans of the different distribution center of the distribution centers from the local distribution center to receive the third digital broadcast distribution signal," as recited in claim 1.

IC card 32 of Oishi merely retains a key (descramble information) with which the scrambled transport streams are descrambled by the descrambler 66, as described at paragraph [0066], but does not have a function of discriminating which distribution center has distributed the digital broadcast distribution signal.

Finally, the EEPROM 76 of Oishi retains "a result of a judgment made as to whether or not reception of a CATV broadcast signal is allowed" when the receiver 31 is to receive the CATV broadcast signal, and so Oishi does not teach or suggest the EEPROM 76 retaining a channel distribution plan. Thus, even if Kenner and Oishi were combined as proposed in the final Office Action, claim 1 would not result. Claim 1 is submitted to be allowable. Withdrawal of the rejection of claim 1 is earnestly solicited.

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Claims 2, 3, 4, 13, 15, and 17 depend from claim 1 and add additional distinguishing elements. Claims 2, 3, 4, 13, 15, and 17 are thus also submitted to be allowable. Withdrawal of the rejection of claims 2, 3, 4, 13, 15, and 17 is earnestly solicited.

Claims 5-12, 14, and 16:

Claims 5-12, 14, and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kenner and Oishi in view of U.S. Patent Publication No. 2004/0205339 to Medin (hereinafter "Medin"). The rejection is traversed to the extent it would apply to the claims as amended. Reconsideration is earnestly solicited.

Claims 5-12, 14, and 16 depend from claim 1 and add additional distinguishing elements. Neither Kenner nor Oishi teach, disclose, or suggest "if the third digital broadcast distribution signal is discriminated to be transmitted from a different one of the distribution centers from the local distribution center, replacing the NIT information associated with the third digital broadcast distribution signal including the service ID of the program designated by the subscriber in the first channel distribution plan with the NIT information associated with the third digital broadcast distribution signal including the service ID of the program designated by the subscriber in a second channel distribution plan which is one of the channel distribution plans of the different distribution center of the distribution centers from the local distribution center to receive the third digital broadcast distribution signal," as discussed above with respect to the rejection of claim 1. Medin does not either, and thus cannot make up for the deficiencies of either Kenner or Oishi with respect to claims 5-12, 14, or 16. Claims 5-12, 14, and 16 are thus also submitted to be allowable. Withdrawal of the rejection of claims 5-12, 14, and 16 is earnestly solicited.

Conclusion:

Accordingly, in view of the reasons given above, it is submitted that all of claims 1-17 are allowable over the cited references. Allowance of all claims 1-17 and of this entire application is therefore respectfully requested.

If there are any formal matters remaining after this response, the Examiner is invited to telephone the undersigned to attend to these matters.

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If there are any additional fees associated with filing of this Amendment, please charge them to our Deposit Account No. 19-3935.

Respectfully submitted,

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